

THE TRI-WEEKLY YEOMAN.

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TERMS.

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DEMOCRATIC STATE TICKET.

For Governor,
BERIAH MAGOFFIN,
OF MERCEY COUNTY.

For Lieutenant Governor,
LAWRENCE BOYD,
OF MCCRACKEN COUNTY.

For Attorney General,
ANDREW J. JAMES,
OF FRANKLIN COUNTY.

For Auditor,
GRANT GREEN,
OF HENDERSON COUNTY.

For Treasurer,
JAMES H. GARRARD,
OF BOYLE COUNTY.

For Register of the Land Office,
THOMAS J. FRAZIER,
OF BREATHITT COUNTY.

Supt. of Public Instruction,
ROBERT RICHARDSON,
OF KENTON COUNTY.

Prest. Board Internal Improvement,
JAMES P. BATES,
OF BARREN COUNTY.

FOR CONGRESS,
CAPT. WILLIAM E. SIMMS,
OF BOURBON.

SATURDAY..... JUNE 11, 1859

Weekly Publication of Reports of the Decisions and Proceedings of the Court of Appeals.

We have received letters from many of our friends in different parts of the State urging us to publish the substance of the decisions of the Court of Appeals. We have concluded to do so, and have made arrangements with C. F. Craddock, Esq., the junior member of the firm of "Craddock & Craddock," to furnish us with full reports of all decisions selected by the Court for publication. The enterprise is expensive to us, and we hope our friends will spare no pains to increase the circulation of the Yeoman, and thereby to some extent reimburse us for the extra expense. We can assure the public that the reports will be accurate, and will be sufficiently full to set forth clearly the points decided by the court.

In connection with this enterprise, we contemplate transferring the reports published in the Yeoman to a weekly pamphlet, and thus furnish in a convenient form the substance of all the decisions of the court long before they can be published in the regular reports. Besides the decisions selected by the court for publication, there are many which are not intended to appear in the regular reports, but which would be quite useful and interesting to the profession.

A prospectus of this pamphlet will be sent out this week to all of the legal profession in this State whose address we can obtain, and we trust that they will give the enterprise such patronage as will render it at once successful, and encourage continued improvements upon the original design. The first number will be published next Saturday.

The Fourth District.

The reports we have of the Congressional canvass in the Fourth District are most cheering to the Democracy. In every discussion our able and chivalrous standard-bearer, Hon. JAMES S. CHRISMAN, adds another laurel to his brow, and lately his triumphs have been so signal and complete that we are induced to claim his election by the largest Democratic majority the district has given for years. That his election is certain by at least from three to five hundred is the opinion of some of the coolest and best informed men of the district; and one of our State candidates, a veteran in political fights, who has lately canvassed the district, claims it by a much larger vote than Talbot received in either of his races. This information will be doubly gratifying to the Democracy when it is brought to mind that Chrisman has to beat Anderson, and Bell also, who lives in the district.

The extreme demagoguery to which Anderson resorts in discussion is positively insulting to the intelligence of any set of voters to be found anywhere in Kentucky. We understand that he is packing about a number of pictures of snakes, bugs, frogs, &c., cut from some of the government publications of a scientific nature, and telling from the stump how much each plate costs as an item of the extravagance of Buchanan's Administration! Perhaps the K. N.'s of his district may relish such demagoguery, but Mr. Anderson would find that his frogs and bugs would be regarded as a joke, and a very flat and stale joke, even by his own party, in any other part of the State; and if the people of the Fourth district do not resent it as an imputation upon their good sense, we are much mistaken in the character of Kentuckians.

Chrisman is infinitely the superior of the *fog and bug* candidate, and deserves an election over him by a thousand majority. His positions, as reported to us, on every issue in the pending canvass, are sound and statesmanlike. He advocates the principle of non-interference on true Democratic grounds. His arguments upon this side issue are lucid, convincing, and unanswerable. If the people of the district desire to be represented by a man whose votes and influence in Congress will ever be for the promotion of the interests of the South, Chrisman is their man. They have for his reliability and fidelity in the future the guarantee of past services. He has been in Congress, and his record, which is open to scrutiny, will prove him in thought and deed true to Southern interests and Southern rights. Such cannot be the case with his competitor. Anderson, unless he turns Democrat in Congress, must affiliate with Black Republicans, and give "aid and comfort" to

their cause. Besides this, he hails from the only county of the district that was ever emancipated with emancipation and free soil sentiments, and has followed, through all its mutations and somersets, the very party in which these heresies found favor—indeed, his close connection with that party in Boyle has properly given rise to doubts of his own soundness upon the slavery question.

The Legislature.

In another column we publish a list of all the Democratic candidates for the Senate and House of Representatives heard from. The list is by no means complete, and if it arises from the neglect of our friends throughout the State to put candidates upon the track, it calls loudly for immediate action. No time is to be lost. The Opposition are making their strongest effort to carry the Legislature, and putting forth their most influential men as candidates. We must not suffer ourselves to be endangered by lukewarmness or dissensions in our ranks. Let our strongest men at once be put forward, and the proper effort made, and all will be well. But if we suffer ourselves to rely too confidently upon our party majority in the State, we may be caught with a majority of twelve thousand in the state in our favor two years ago. The Know-Nothings had a majority of two in the Senate. This was the result of the outrageous gerrymander made by the last apportionment, under which the K. N.'s could hold the majority in the Legislature although they might be largely in the minority in the State. Let it be remembered that the State representation is to be apportioned next winter, and that if we are not to be gerrymandered again, we must strain every nerve to have a good working majority in the next Legislature. To effect this, all that is necessary is to run our best men in every county and Senatorial district; and not suffer dissensions to spring up in our ranks. The next session is highly important in other particulars. A United States Senator is to be elected. An Opposition majority would elect Mr. Crittenden, notwithstanding his opposition to the repeal of the Missouri restriction, and to the admission of Kansas as a slave state under the Lecompton Constitution.

They are making a fight to carry the State under the lead of Mr. Bell, who takes strong pro-slavery ground; but it is manifest that their hope to effect this is but slight, whilst they are making a quiet but determined effort to carry the Legislature, the effect of which would be, if successful, to place Mr. Crittenden, who believes the Missouri restriction constitutional, in the Senate of the United States for another term of six years. The Opposition are aiming to effect too much, and have not taken pains to be consistent. In one breath they ask the people to elect Bell Governor, because he was never a Know-Nothing and is a Lecompton man, and strongly in favor of protection to slavery in the Territories by Congress; and in the next breath they strive to secure a majority in the Legislature to return Mr. Crittenden to the Senate, who is a zealous Know-Nothing, and who believes that Congress had the constitutional power to prohibit slavery in the Territories, by the Missouri restriction, thought, with Mr. Fillmore, that the Nebraska bill was the "Pandora's box" out of which was to flow all manner of evils to the country—and who, when opportunity offered to secure a slave to the South by the passage of the Lecompton bill, scornfully rejected it.

The hypocrisy of the movements of the Opposition party of Kentucky is thus made apparent. Either they are insincere in their effort for Mr. Bell or Mr. Crittenden. Which is it? We think we are warranted by the antecedents of Prentiss & Co. in saying that they had rather a thousand to one send Crittenden back to the Senate than elect Bell Governor. To this end they are silently bending their energies, and are already beginning to predict that they will carry the Legislature. All that is needed to thwart such a result is the prompt action of the Democracy throughout the State. That done, and we have no fears of the result.

Judge Moore's Appointments.
James W. Moore, the Democratic candidate for Congress in the Ninth Congressional District, will address the people at the following times and places:

Star Furnace, June 11.
Olive Hill, June 14.
Pine Grove, Rowan co., June 15.
Triplet Bridge, June 16.
Phillips', on North Fork, June 17.

From Phillips', future appointments will depend on the arrangement which may be made between the candidates, of which the public will be duly notified.

KANSAS ELECTION.—The Democrats have carried Leavenworth county, Kansas, and elected the delegates to the Constitutional Convention, by 450 majority.

No SERVICE in the METHODIST CHURCH.—On account of painting the pews, carpeting the Church, &c., there will be no service in said Church until further notice.

THE people have concluded that the Frankfort clique have had their full share of office. They think the Harlan family, especially, are rather greedy in asking two fat offices for themselves, at the same time—father and son—particularly when they recollect that from time immemorial the Harlans have been latting on the public office. They have, therefore, determined to let Gen. John, the son, and old man Jeems, the father, retire for awhile to the shades of private life, lest they should conclude that the offices of the country belong to them by virtue of long continued possession. The Democratic people of this district are opposed to monopolies, and have consequently resolved to break up the monopoly of office by electing Harlan and the Harlans. They will do this by electing Simms and James, instead of this family party which is seeking to renew its life-long lease of the offices of the country.

Cyn. Age.
JNO. W. STEVENSON, NOMINATED FOR RE-ELECTION.—This gallant, able, and noble Democrat, Col. Jno. W. Stevenson, has been nominated for re-election to Congress, from the Tenth District of this State. His election is, of course, guaranteed.—*Lou. Dem.*

NEW HAVEN ELECTION.—The Democrats of New Haven, Conn., elected their Mayor, at the late municipal election, by about three hundred and sixty majority. The election was warmly contested. Connecticut is evidently preparing to go Democratic next year.

Democratic Candidates.

Including the district made vacant by the resignation of Col. T. T. Garrard, elections will be held this year in twenty of the thirty-eight Senatorial districts in this State. For the convenience of reference we subjoin a list of the districts in which elections are to be held, giving the number of the several districts, the counties embraced in them, and the names of the Democratic candidates, gleaned from recent files of the Yeoman. We may have overlooked nominations in some of the districts, and if this is the case we will be obliged to our friends of the press, or any of our readers, to give us information of any such omissions:

1. *Hickman, Ballard, Graves, and Fulton*—No nomination.
2. *Hopkins, Union, and Crittenden*—Ben. P. Cissell.
3. *Christina and Todd*—Robert E. Glenn.
4. *Logan, Simpson, and Butler*—No nomination.
5. *Warren, All a, and Edmonson*—W. M. Clegg.
6. *Hart, Green, and Taylor*—No nomination.
7. *Cumberland, Clinton, Wayne, and Russell*—No nomination.
8. *Bryce, Casen, and Adair*—No nomination.
9. *McCracken, Livingston, Caldwell, and Lyon*—James K. Huey.
10. *5 Wards City Louisville*—No nomination.
11. *Jefferson Co., and 5th and 6th wards of City*—No nomination.
12. *Henry, Oldham, and Trimble*—John E. Cheever.
13. *Crittenden, Trigg, and Marshall*—No nomination.
14. *Hodges, and Garrison*—No nomination.
15. *Whitley, Laurel, Knox, and Rockcastle*—No nomination.
16. *Cerro, Gallatin, and Boone*—Charles Chamber.
17. *Bourbon and Bath*—John A. Prall.
18. *Harrison and Breckin*—Thomast. F. Marshall.
19. *Floyd, Morgan, Johnson, and Pike*—Alex. L. Davidson.
20. *Gray, Wayne, Owsley, Letcher, Perry, and Knott*—No nomination.
Senators holding over—Democrats 11, Opposition 1.

House.—The Democracy seem to be especially negligent in making nominations for the House as well as the Senate. We are able from the information before us to report the names of our candidates in about thirty-five counties only. We trust our friends and correspondents in different sections of the State will assist us in getting up a full list. The following are reported as Democratic candidates:

Holmes and Fulton—W. D. Lanham.
Camp and Owsley—Feix G. Gilbert.
Adair—Nat. Gathur, Jr.
Harrison—J. Shawhan and W. W. Cleary.
Kenton—J. G. Carle and John Ellis.
Campbell—Geo. Hodges.
Green—A. D. Dunlap.
Ocean—R. H. Gale.
Hopkins—W. B. Parker.
Green—D. P. White.
Jefferson—W. G. George.
Scott—Geo. Wm. Johnson.
Horn—John Moran.
Greenup—Geo. E. Ree.
Levy—John Lovell.
Clinton—Wm. Brown.
Simpson—John A. Finn.
Wood—Shelby Coffey, Jr.
Muhlenberg—Charles Eave.
Prescott—John G. McFarland.
Paducah—Hiram McIroy.
Carroll—Gen. Hitt.
Brown—Fountain Riddell.
Henderson—R. S. Forre.
Taylor—Young A. Linn.
Graves—W. J. Cook.
McCracken and Bellard—L. D. Husbands.
Moses—C. S. Abel.
Olivier—John Herkis.
Butler and Edmonson—Hill.
Adams—Wm. H. Gearing.
Taylor—McGuffin.
Harrison—J. R. Lashbrooke and W. T. Casio.
Caldwell and Lyon—W. B. Aeree.
Marion—Robert Burton, Jr.

Correspondence of the Yeoman.
Bell and Magoffin at Glasgow.

GLASGOW, June 7, 1859.

EDITOR YEOMAN: Yesterday was a day of great rejoicing among the Democracy. Bell and Magoffin met, and a Democratic victory was the result. At an early hour a large crowd had assembled in the court-house yard. Magoffin opened the debate, and his speech was one of the happiest efforts of his life. He took some pains to explain how the public money had been appropriated, and refuted the charge of *profligate extravagance* in a masterly and eloquent manner. He explained his position on every issue now undergoing discussion in the country, and the enthusiasm with which it was received gave him an assurance that the great masses of the people were with him, and that victory would again perch upon the Democratic banner. It is needless to enter into detail. He took up the subject of "squatter sovereignty," "intervention," and the "Lecompton question," and his elucidation of the Democratic principles and Democratic views in relation to these questions, won for him the most thundering applause. He brought charges against the Opposition party and against Mr. Bell that were unanswerable. He showed that the Opposition party was composed of a few men who have no object in view but the destruction of the Democracy. All that is needed to thwart such a result is the prompt action of the Democracy throughout the State. That done, and we have no fears of the result.

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DECISIONS

OF THE COURT OF APPEALS OF KENTUCKY.

Reported expressly for the Yeoman by CHARLES F. CRADDOCK, Attorney at Law, Frankfort, Ky.

Magowan vs. Lexington City Court.
Commonwealth, vs. Commonwealth.

A warrant was issued from the city court of Lexington against appellant on the 12th of February, 1859, requiring him to answer to the city of Lexington, and show cause why he should not be fined for selling spirituous liquors on Sunday, the 10th of February, 1859, within the limits and contrary to the ordinances of said city. The defendant demurred, which was overruled, was found guilty by a jury, and judgment for \$50, from which he appealed.

The city ordinance provides, "that no tavern-keeper, or any other person whatever, shall have the right to sell spirituous liquors on Sunday, or after eleven o'clock at night;" and for each breach imposes a fine of \$50.

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The court, per Simpson, Chief Justice, held—

1. That the warrant was not insufficient, because it did not specify the quantity of whisky sold, nor because it did not state the place at which it was drank, nor because the date fixed in the warrant, viz: the 10th of February, 1859, was not, in fact, *Sunday*. The offense consisted in selling spirituous liquor in the city limits on *Sunday*. The quantity sold, or the place where it was drank, was not material. The date was mere surplusage. An indictment was not necessary where the fine does not exceed \$100. (*Code*, title 7.) The warrant, according to *sec. 304*, of the *Code*, must name, or briefly describe, the offense; nothing more is required. The warrant in this case complied with the requisitions of the law; but if it had not, the objection to it would not be available in this court, inasmuch as the demurser to it was overruled in the court below. Section 349 of the Criminal Code provides that an error in not setting aside an indictment, or in overruling a demurser thereto, shall not be grounds of reversal in this court. The same provision applies to warrants.

2. It is also objected for error in this court, that a witness was permitted to be asked by the city attorney whether he had drank liquor at the bar-room of appellant on Sunday between the 3d of June, 1858, and the 24th of February, 1859. It was clearly error to receive proof of any selling on Sunday subsequent to the date of the warrant; but that error was corrected by the court afterwards by its instructions to the jury, and therefore is not available here. The court did right in refusing an instruction asked by appellant, to the effect that they must find for the defendant unless they believed, from the evidence, that he had sold spirituous liquor on Sunday, the 10th day of February, 1859. Time is not of the essence of the offense. True, it must have been shown to have been done on *Sunday* previous to the date of the warrant.

3. It was admitted that the defendant was a tavern-keeper when the offense was committed, having paid the state tax, and holding a regular license, and an instruction was asked by defendant's counsel to the effect that he had the right to sell liquor at any time; which the court below overruled

